

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following nomination of the Governor had been confirmed by the Senate:

To be Judge of the 115th Judicial District Court, T. C. Chadick of Quitman, Wood County, Texas.

In Legislative Session

The President called the Senate to order as in Legislative Session at 12:20 o'clock p.m.

Adjournment

On motion of Senator Morris, the Senate at 12:25 o'clock p.m., adjourned until 10:30 o'clock a.m. Monday, May 16, 1949.

Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

FIFTY-FIRST DAY

(Monday, May 16, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Ball	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelley of Tarrant	Weinert

Absent—Excused

Bullock

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 12, 1949, was dispensed with and the Journal approved.

Leave of Absence Granted

Senator Bullock was granted leave of absence for today and the remainder of the week on account of important business on motion of Senator Strauss.

Reports of Standing Committees

Senator Jones submitted the following report:

Austin, Texas,
May 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 652, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

JONES, Chairman

Senator Morris submitted the following report:

Austin, Texas,
May 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred House Bill No. 586, have had the same under consideration, and wish to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MORRIS, Chairman

Senator Moffett submitted the following report:

Austin, Texas,
May 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred H. B. No. 543, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

MOFFETT, Chairman

Senator Kelly of Tarrant submitted the following reports:

Austin, Texas,
May 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred House Bill No. 378, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

KELLY of Tarrant, Chairman

Austin, Texas,
May 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Military and Veterans' Affairs, to whom was referred H. B. No. 878, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

KELLY of Tarrant, Chairman

Senator Kelley of Hidalgo submitted the following reports:

Austin, Texas,
May 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred House Bill No. 757, have had same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

KELLEY of Hidalgo, Chairman

Austin, Texas,
May 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred House Bill No. 903, have had same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY of Hidalgo, Chairman

Message From the House

Hall of the House of Representatives,
Austin, Texas,
May 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

The House has concurred in Senate amendments to House Bill No. 347 by vote of 115 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 448 by vote of 115 ayes, 2 noes.

S. C. R. No. 33, Relative to Texas Surplus Property Agency.

S. J. R. No. 5, Proposing an amendment to Article III of the Constitution of the State of Texas authorizing the Legislature to provide for the creation and establishment of rural fire prevention districts.

(With amendments)

H. B. No. 319, A bill to be entitled "An Act fixing and determining a method of per capita appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two fiscal years, beginning September 1, 1949, and ending August 31, 1951, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a saving clause; and declaring an emergency."

H. B. No. 322, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1949, and ending August 31, 1951, and for payment of other specified claims and items; providing for reports of absence from duty of employees; providing for the sale of printed matter; providing for installation of postage meter machines; regulating the use of photostat machines; providing for rentals on machines and equipment; providing for working hours and vacation allowance of employees; authorizing the receipt and use of Federal Aid; declaring it un-

lawful for persons employed in the several departments to engage in political campaigns relating to election or re-election of certain candidates, and prescribing procedure for removal of such employees and penalties, and making it unlawful to use state-owned automobiles and equipment in connection with political campaigns; prescribing regulations and restrictions on traveling expense and expense accounts of State officials and employees; prescribing the method and means for auditing State Departments; providing certain limitations on purchase of passenger cars; allowing free medical attention and hospitalization of prison employees; providing for a budget for the next succeeding biennium; limiting the use or occupancy of State-owned buildings; restricting publicity of Departments and individuals; providing for reimbursement of General Revenue Fund from certain Special Funds; providing for the Board of Control to negotiate purchase of Federal commodities; providing for audit of State Parks Funds; requiring the Federal Withholding Tax; providing that the Board of Control may be authorized to lease and operate any army camp or fort from the Federal Government; and providing specific limitations and regulations with reference to the expenditure of the appropriations made herein; providing a savings clause; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 481 on First Reading

Senator Strauss moved that Senate Rule 114 and Section 5 of Article a bill the provisions of which he III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Harris
Ashley	Hazlewood
Bell	Hudson
Carney	Jones
Colson	Kelley of Hidalgo
Corbin	Kelly of Tarrant
Cousins	Lane
Hardeman	Lock

Martin	Phillips
McDonald	Proffer
Moffett	Strauss
Moore	Taylor
Morris	Vick

Absent

Bracewell	Tynan
Shofner	Weinert

Absent—Excused

Bullock

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Strauss:

S. B. No. 481, A bill to be entitled "An Act amending the second paragraph of Section 11 of Chapter 358 of the Acts of the 49th Legislature, Regular Session, 1945, also known as Article 6053 of Vernon's Annotated Civil Statutes, so as to clarify and specify the kind and amounts of insurance coverage to be carried by every licensee, as described in that Act, and declaring an emergency."

To Committee on Insurance.

Senate Concurrent Resolution 57

Senator Kelley of Hidalgo offered the following resolution:

S. C. R. No. 57, Urging observance of Memorial Day.

Whereas, Our beloved State of Texas has always furnished gallant, courageous men to the Armed Forces of this country; and

Whereas, These men have served with distinction in all branches of service, in all parts of the world, and have challenged the admiration of the world with their deeds of courage and bravery; and

Whereas, They fought like demons and died like heroes on every battlefield; and

Whereas, "A country without heroes is poor indeed, but the country who has heroes and honors them not, is poverty-stricken"; and

Whereas, Texas has no official Memorial Day on which to remember the deeds of our heroes; therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that we here and now do designate and name the thirtieth day of May to be the Memorial Day for the State of Texas; and be it further

Resolved, That we ask everybody in Texas to join in this Memorial Day and show honor and respect for every Soldier, Sailor, Marine, and the men and women of the Air Force, who gave their lives that we might live in peace and plenty.

The resolution was read.

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Resolution 164

Senator Martin offered the following resolution:

Whereas, A distinguished former member of the Senate of Texas is visiting in the City of Austin; and

Whereas, This gentleman served with credit to himself and honor to the State, since the memory of man runneth not to the contrary; and

Whereas, The members of this body would be pleased to look again upon his benign and familiar face; now, therefore, be it

Resolved, By the Senate of the State of Texas that the Honorable A. B. Crawford be granted the privileges of the floor for the day; and, be it further

Resolved, That this be his invitation to address this body.

The resolution was read and was adopted.

Accordingly, the President pro tempore appointed Senators Harris, Kelly of Tarrant, Martin and Taylor as a committee to escort Senator Crawford to the President's stand.

The President pro tempore then presented Senator Crawford, who addressed the Senate briefly.

Senate Bill 299 with House Amendments

Senator Hudson called S. B. No. 299 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hudson moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Ashley	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Absent

Bell	Shofner
Hazlewood	Weinert
Lock	

Absent—Excused

Bullock

Senate Concurrent Resolution 58

Senator Cousins offered the following resolution:

S. C. R. No. 58, Memorializing the Congress of the United States to oppose socialized medicine legislation.

Whereas, A plan has been devised to put socialized medicine into effect in the United States; and

Whereas, This compulsory national "health insurance" program is not the solution to the problem of providing better health service for the sick and lame of our great State and Nation but that the real shortages are in health resources such as the supplying of greater hospitals and more doctors for numerous communities; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that we go on record as opposing socialized medicine in all of its phases and that we request and urge the Senators and members of the House of Representatives representing Texas in the Congress of the United States to resist legislation setting up socialized medicine; be it further

Resolved, That a copy of this Resolution be spread upon the Journal in the House of Representatives and the Senate. That the Clerk of the Senate is instructed to forward a copy of this Resolution to each of our United

States Senators and Congressmen from Texas, which will carry the seal of the State.

COUSINS

Signed—Allan Shivers, Lieutenant Governor; Senators Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Hardeman the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

On motion of Senator Cousins, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Joint Resolution 5 With House Amendments

Senator McDonald called S. J. R. No. 5 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator McDonald moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Bell	Hazlewood
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Absent—Excused

Bullock

House Bills on First Reading

The following bills and resolutions, received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 9, to Committee on Civil Jurisprudence.

H. B. No. 14, to Committee on State Affairs.

H. B. No. 54, to Committee on Counties and County Boundaries.

H. B. No. 220, to Committee on Counties and County Boundaries.

H. B. No. 253, to Committee on Counties and County Boundaries.

H. B. No. 383, to Committee on Counties and County Boundaries.

H. B. No. 510, to Committee on Finance.

H. B. No. 572, to Committee on Education.

H. B. No. 588, to Committee on Public Health.

H. B. No. 779, to Committee on State Affairs.

H. B. No. 845, to Committee on Finance.

H. B. No. 909, to Committee on Judicial Districts.

H. B. No. 914, to Committee on Water Rights, Irrigation and Drainage.

H. B. No. 319, to Committee on Finance.

H. B. No. 322, to Committee on Finance.

H. C. R. No. 99, to Committee on Civil Jurisprudence.

House Bill 297 Set as Special Order

Senator Cousins moved that House Bill No. 297 be set as a special order for Wednesday, May 18, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kelly of Tarrant
Ashley	Lock
Bell	McDonald
Bracewell	Morris
Carney	Phillips
Colson	Proffer
Corbin	Shofner
Cousins	Strauss
Hardeman	Tynan
Harris	Vick
Kelley of Hidalgo	Weinert

Nays—4

Lane	Moffett
Martin	Moore

Absent

Hazlewood	Jones
Hudson	Taylor

Absent—Excused

Bullock

Motion to Set Senate Bill 74 as Special Order

Senator Morris moved that Senate Bill No. 74 be set as a special order for Monday, May 23, 1949, immediately following the morning call.

The motion was lost by the following vote (not receiving an affirmative vote of two-thirds of the members present):

Yeas—17

Aikin	Lane
Bracewell	McDonald
Carney	Moffett
Colson	Morris
Hardeman	Proffer
Hudson	Shofner
Jones	Taylor
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Nays—12

Ashley	Martin
Bell	Moore
Corbin	Phillips
Cousins	Strauss
Hazlewood	Tynan
Lock	Weinert

Absent

Harris

Absent—Excused

Bullock

Senate Resolution 165

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery the seniors of La Marque High School and E. H. Black, Supt., Mrs. Ethel Bean, sponsor and Mr. Josh Muldrow.

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

(Senator Harris in the Chair.)

Motion to Place Senate Bill 240 on Third Reading

Senator Vick moved to suspend the regular order of business to take up S. B. No. 240 for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote of the members present):

Yeas—16

Ashley	McDonald
Bell	Moffett
Carney	Moore
Colson	Proffer
Harris	Shofner
Hazlewood	Strauss
Kelly of Tarrant	Taylor
Lane	Vick

Nays—11

Aikin	Kelley of Hidalgo
Bracewell	Lock
Corbin	Martin
Cousins	Phillips
Hardeman	Tynan
Hudson	

Absent

Jones	Weinert
Morris	

Absent—Excused

Bullock

Senate Bill 192 on Passage to Engrossment

The Presiding Officer laid before the Senate as the unfinished special order on its passage to engrossment.

S. B. No. 192, A bill to be entitled an Act amending House Bill No. 155 passed at the regular session of the 50th Legislature of Texas, relating to County Mutual Insurance.

The bill having been read second time on Tuesday, May 10, 1949, with an amendment by Senator Moore pending.

Question—Shall the amendment be adopted?

Senator Morris offered the following amendment to the amendment:

Amend S. B. No. 192 by adding at the end of the first paragraph of Sec. 15 the following:

"Provided a County Mutual Insurance Company may not write more than \$1500.00 on any one risk unless the amount written is no more than 10% of its surplus."

The amendment to the amendment was adopted.

Senator Vick offered the following amendment to the amendment:

Amend amendment to S. B. 192 by striking the following in Sec. 3 thereof as follows:

"and the laws described hereinabove shall continue in effect as to such farm mutuals not regulated by this act."

Question—Shall the amendment to the amendment be adopted?

Recess

Senator Corbin moved that the Senate recess to 2:30 o'clock p.m. today.

Senator Carney moved that the Senate adjourn until 10:30 o'clock a.m. tomorrow.

Question first recurring on the motion of Senator Carney, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—14

Ashley	Martin
Carney	McDonald
Hardeman	Moffett
Hudson	Moore
Kelly of Tarrant	Phillips
Lane	Shofner
Lock	Weinert

Nays—14

Aikin	Hazlewood
Bell	Jones
Bracewell	Kelley of Hidalgo
Colson	Morris
Corbin	Proffer
Cousins	Strauss
Harris	Vick

Absent

Taylor	Tynan
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Absent—Excused

Bullock

Question next recurring on the motion of Senator Corbin, it prevailed.

The Senate accordingly at 12:00 o'clock m., took recess to 2:30 o'clock p.m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by Senator Harris.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Kelley of Hidalgo submitted the following reports:

Austin, Texas,
May 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 859, have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be mimeographed.

KELLEY of Hidalgo, Chairman

Austin, Texas,
May 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 914, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

KELLEY of Hidalgo, Chairman

Austin, Texas,
May 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 594, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

KELLEY of Hidalgo, Chairman

Senate Bill 192 on Passage to Engrossment

The Senate resumed consideration of the pending special order, same being S. B. No. 192 on its passage to engrossment with an amendment by Senator Moore and an amendment to the amendment by Senator Vick pending.

Senator Vick withdrew the amendment to the amendment.

Question—Shall the amendment be adopted?

Recess

Senator Hudson moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8

Corbin	Lane
Hardeman	Martin
Hudson	McDonald
Kelly of Tarrant	Moore

Nays—8

Aikin	Kelley of Hidalgo
Bell	Morris
Bracewell	Proffer
Harris	Vick

Absent

Ashley	Moffett
Carney	Phillips
Colson	Shofner
Cousins	Strauss
Hazlewood	Taylor
Jones	Tynan
Lock	Weinert

Absent—Excused

Bullock

The Presiding Officer announced that there was not a quorum present.

Senator Morris moved a call of the Senate and the call was not seconded.

Senator Hardeman moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Senator Kelley of Hidalgo moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Question first recurring on the motion of Senator Hardeman, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8

Corbin	Lane
Hardeman	Martin
Hudson	McDonald
Kelly of Tarrant	Moore

Nays—10

Aikin	Jones
Bell	Kelley of Hidalgo
Bracewell	Morris
Harris	Proffer
Hazlewood	Vick

Absent

Ashley	Phillips
Carney	Shofner
Colson	Strauss
Cousins	Taylor
Lock	Tynan
Moffett	Weinert

Absent—Excused

Bullock

Question then recurring on the motion of Senator Kelley of Hidalgo, it prevailed.

The Senate accordingly at 2:40 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

FIFTY-FIRST DAY

(Continued)

(Tuesday, May 17, 1949)

AFTER RECESS

The Senate met at 10:00 o'clock a.m. and was called to order by the President pro tempore.

Leaves of Absence Granted

Senator Shofner was granted leave of absence for today on account of illness on motion of Senator Colson.

Senator Phillips was granted leave of absence for today on account of illness on motion of Senator McDonald.

Senator Bullock was granted leave of absence for today on account of important business on motion of Senator Hudson.

Conference Committee on H. B. 393

The President pro tempore announced the appointment of Senator Harris to the Conference Committee on H. B. No. 393 in lieu of Senator Lane, resigned.

Senate Bill 192 on Passage to Engrossment

The President pro tempore laid before the Senate as the unfinished special order, S. B. No. 192, relating to County Mutual Insurance on its passage to engrossment, with an amendment by Senator Moore pending.

Question—Shall the amendment be adopted?

Senator Harris raised the point of order that there was not a quorum present.

The Secretary was directed to call the roll and the following Senators answered to their names.

Aikin	Carney
Ashley	Colson
Bell	Corbin
Bracewell	Cousins

Hardeman	Lane
Harris	Martin
Hazlewood	McDonald
Hudson	Moffett
Jones	Moore
Kelley of Hidalgo	Morris
Kelly of Tarrant	Vick

Absent

Lock	Weinert
Proffer	Taylor
Strauss	Tynan

Absent—Excused

Bullock	Shofner
Phillips	

The President pro tempore announced that there was a quorum present.

Question—Shall the amendment by Senator Moore be adopted?

Message From the House

Hall of the House of Representatives,
Austin, Texas,
May 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. C. R. No. 104, Authorizing the Enrolling Clerk of the House of Representatives to amend the caption to conform with the body of House Bill No. 487.

H. B. No. 91, A bill to be entitled "An Act amending Sec. 5, House Bill No. 439, Acts of the 48th Legislature, page 418, as amended by House Bill No. 278, Acts of the 49th Legislature, page 373, so as to enhance the punishment for stream pollution, and declaring an emergency."

H. B. No. 93, A bill to be entitled "An Act amending Section 4 of Senate Bill No. 44, of the 48th Legislature, 1943, page 313, Chapter 204, by providing that in counties having only one district court and having a juvenile board, such board shall designate the county or district court of such county as the Juvenile Court for said county, and in all other counties having only one district court, but no juvenile board, the County Judge and the District Judge of such county shall designate the